



Question Marks

COMPU-MARK NEWSLETTER

February 2005

First of all I would like to wish you all the very best for 2005, both in your professional endeavours and personally. On behalf of all Compu-Mark employees I would like to extend my sincere thanks to you for working with us and for your confidence in the quality of our service. We are expecting the new year above all to bring further integration of the different Thomson companies specialising in trademarks. By ensuring that Compu-Mark, Thomson & Thomson and Brandy work more closely together, we can extend our 'global' range of IT and internet-based applications even further. We will constantly keep looking for ways of managing and monitoring your trademarks even more effectively. At the next INTA Meeting in San Diego we would like to present our new products and services. We will also be grateful for your feedback.

Jan Broeckx, General Manager

FOCUS

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Watch E-Services: reported trademarks online for even longer

Our Watch E-Services have enabled you to consult all information on trademarks which are being watched and reported directly on your screen. You will also find all the watch notices we have sent you. The great advantage of this is that you do not have to archive your watch data yourself. Reported trademarks will now be staying online for six years instead of five. Full watch notices will always be available for six months.

The screenshot displays the 'Watch E-Services' web application. At the top, there is a navigation bar with links for 'Watch E-Service News', 'Trademarks watched online', 'Trademarks reported online', and 'Trademarks reported offline'. Below this, a summary table titled 'Trademarks Reported for Ms Vermuyten' shows 4 of 4 trademarks. The main table below lists individual trademarks with columns for Status, Trademark Reported, Trademark Watched, Product, Trademark Number, Register, Class(es), Opposition Deadline, Applicant, Applicant Country, Filing Date, Publication Date, Date Reported, Your Reference, and Portfolio Domain.

Status	Trademark Reported	Trademark Watched	Product	Trademark Number	Register	Class(es)	Opposition Deadline	Applicant	Applicant Country	Filing Date	Publication Date	Date Reported	Your Reference	Portfolio Domain
<input type="checkbox"/> Yes	222128	222128	WI	147140	222128	27	2004-09-15	222128	222128	2004-09-15	2004-09-15	2004-09-15	TEST FOR TONS - WINE	
<input type="checkbox"/> Yes	222128	222128	WI	147140	222128	27	2004-09-15	222128	222128	2004-09-15	2004-09-15	2004-09-15	TEST FOR TONS - WINE	
<input type="checkbox"/> No	222128	222128	WI	147140	222128	27	2004-09-15	222128	222128	2004-09-15	2004-09-15	2004-09-15	TEST FOR TONS - WINE	
<input type="checkbox"/> Action	222128	222128	WI	147140	222128	27	2004-09-15	222128	222128	2004-09-15	2004-09-15	2004-09-15	TEST FOR TONS - WINE	
<input type="checkbox"/> No	222128	222128	WI	147140	222128	27	2004-09-15	222128	222128	2004-09-15	2004-09-15	2004-09-15	TEST FOR TONS - WINE	

The reported trademarks will now be staying online for six years

What if your ideal trademark already exists?

The value of In use searches



If it turns out that the trademark that you want to register is already in existence, that does not necessarily have to mean the end of your efforts to register it. After all, who says that the existing trademark is still actually being used? Only an In use search can provide a conclusive answer to this question, says Product Manager Sabine Vermuyten.

Sabine Vermuyten: 'Suppose you come up against a conflicting trademark during a trademark search: if it is found that this trademark has not been used for five years, this may provide grounds to have it cancelled. You can then register your chosen name after all.'

How does an In use search work?

*Sabine Vermuyten: 'Our researchers will first of all produce a *basic report*. They consult reference works, discreetly contact a number of people working for the trademark holder, trawl the Internet, take a look at the umbrella organisations and carry out extensive market research among distributors and sales outlets. If the client wants to obtain even more detailed information, he can request a *comprehensive report*. If this is done, our researchers also gather additional information from the commercial register. They contact even more umbrella organisations, conduct five extra market surveys and consult product-related databases and magazines. By linking together various different sources we can answer the question as to whether the trademark is being used with a high level of certainty.'*

Is every In use search conducted in the same way?

Sabine Vermuyten: 'Flexibility is central to our whole approach. Our investigations can be adjusted in line with the client's wishes by mutual agreement. Our local employees may, for example, purchase products, visit sales outlets or take photographs on location.'

Do other applications also exist?

Sabine Vermuyten: 'An In use search is also suitable for establishing possible abuses. During opposition proceedings you can use this method to ascertain whether the other party really does have rights over the trademark.'

You can find more info on our website
www.compu-mark.thomson.com.

Watches in the new classes 42 to 45

On 1 January 2002 the 8th edition of the Nice Classification came into force. Service class 42 was restructured and new service classes 43, 44 and 45 were added. Three years after its introduction, however, not all countries have made the transition to this new classification. The specific countries involved are as follows:

To be certain that you are not missing any possible conflicting trademarks in class 43, 44 and/or 45 watches, we recommend to continue to watch class 42. This is free of charge.

- Afghanistan
- Angola
- Antigua & Barbuda
- Bahrain
- Benin
- Bhutan
- British Virgin Islands
- Djibouti
- Dominican Republic
- Ghana
- Guatemala
- Guinea (Conakry)
- Guinea-Bissau
- Guyana
- Haiti
- Iraq
- Jordan
- Kuwait
- Liberia
- Libya
- Montserrat
- Namibia
- Pakistan
- Palestine
- Papua New Guinea
- Qatar
- Saint Helena
- Saint Kitts and Nevis
- Saint Vincent and the Grenadines
- Sri Lanka
- Surinam
- Swaziland
- Yemen
- Zanzibar
- Zimbabwe

Do you have any further questions? If so, please contact Customer Support Department on + 32 3 220 72 11.

Opposition for Community trademarks and in the Benelux

Opposition periods vary from one country to another. A summary of all the registers and their various procedures would be too extensive to be included here. We will simply mention two registers which have regularly been in the news during the past year.

As we have previously reported in Question Marks, the **Community Trademark** acceded to the Madrid Protocol on 1 October 2004. The result was a completely new opposition procedure. The **Benelux** trademark register has only included an opposition procedure since the beginning of last year. This is gradually being extended to include more classes. During the first stage, classes 2, 20 and 27 were included. On 1 January 2005 classes 6, 8, 13, 15, 17, 19 and 21 were also included.

But how are their opposition periods calculated?
The table below provides a summary.

Community Trademark	3 months, from publication in the 'Community Trademark Bulletin'
Benelux	2 months, counting from the first day of the month following publication in the Benelux Trademark Bulletin
Community Trademark as part of an international registration	3 months, begins 6 months after publication in the 'Community Trademark Bulletin'
Benelux as part of an international registration	2 months, counting from the first day of the month after publication in the WIPO Gazette of International Marks



The Madrid Protocol and the link to the

The accession of the European Union to the Madrid Protocol, which came into force on 1 October 2004, will no doubt have major consequences for trademarks in practice. But exactly how far will this go? This is a question for Data Acquisition Manager Bruno Van Treeck.

Bruno Van Treeck: 'Compu-Mark is of course monitoring these events closely. Only a few days after the "link" between the international system and the Community Trademark came into force, WIPO was already reporting two international trademark registrations of Swiss origin that were seeking protection in the European Union. I would like to remind you that the so-called "link" means that trademark owners from Madrid Protocol member states can immediately register their international trademark for the whole of the European Union. Unless the newly requested trademark registration is refused by the OHIM in Alicante, the trademark in question will immediately enjoy protection in all 25 Member States of the European Union, as if it were a registration that had been submitted under the Community Trademark system. On the other hand, any owner of a Community Trademark right acquired in Alicante is allowed, on the basis of this right, to request an international registration under the Madrid Protocol and consequently use the international route to obtain new trademark rights in other Madrid Protocol member states.'

Three milestones

In retrospect we can see that three important milestones have influenced the Madrid System in recent years and these will probably also have an impact on the trademark registration strategies of many trademark owners in the future. These three milestones are:

- the accession of the USA to the Madrid Protocol in November 2003;
- the introduction of Spanish as the third working language, alongside English and French;
- the accession of the European Union to the Madrid Protocol in October 2004.

The European Union is the first inter-governmental organisation to accede to the Madrid Protocol and the 66th member of the Madrid System.

Here is an up to date list of all members of the Protocol. This is the situation as on 5 December 2004.



Community Trademark

Country	Acceded on	Country	Acceded on
1. Albania	30 July 2003	43. The Netherlands (*)	1 April 1998
2. Antigua & Barbuda	17 March 2000	44. North Korea	3 October 1996
3. Armenia	19 October 2000	45. Norway	29 March 1996
4. Australia	11 July 2001	46. Poland	4 March 1997
5. Austria	13 April 1999	47. Portugal	20 March 1997
6. Belarus	18 January 2002	48. Romania	28 July 1998
7. Belgium	1 April 1998	49. Russia	10 June 1997
8. Bhutan	4 August 2000	50. Serbia & Montenegro (former Yugoslavia)	17 February 1998
9. Bulgaria	2 October 2001	51. Sierra Leone	28 December 1999
10. China	1 December 1995	52. Singapore	31 October 2000
11. Croatia	23 January 2004	53. Slovakia	13 September 1997
12. Cuba	26 December 1995	54. Slovenia	12 March 1998
13. Cyprus	4 November 2003	55. South Korea	10 April 2003
14. Czech Republic	25 September 1996	56. Spain	1 December 1995
15. Denmark	13 February 1996	57. Swaziland	14 December 1998
16. Estonia	18 November 1998	58. Sweden	1 December 1995
17. European Union	1 October 2004	59. Switzerland	1 May 1997
18. Finland	1 April 1996	60. Syria	5 August 2004
19. France	7 November 1997	61. Turkey	1 January 1999
20. Georgia	20 August 1998	62. Turkmenistan	28 September 1999
21. Germany	20 March 1996	63. Ukraine	29 December 2000
22. Greece	10 August 2000	64. United Kingdom	1 December 1995
23. Hungary	3 October 1997	65. United States	2 November 2003
24. Iceland	15 April 1997	66. Zambia	15 November 2001
25. Iran	25 December 2003		
26. Ireland	19 October 2001		
27. Italy	17 April 2000		
28. Japan	14 March 2000		
29. Kenya	26 June 1998		
30. Kirghizstan	17 June 2004		
31. Latvia	5 January 2000		
32. Lesotho	12 February 1999		
33. Liechtenstein	17 March 1998		
34. Lithuania	15 NOV 1997		
35. Luxembourg	1 APR 1998		
36. Macedonia	30 AUG 2002		
37. Moldavia	1 DEC 1997		
38. Monaco	27 SEP 1996		
39. Mongolia	16 JUN 2001		
40. Morocco	8 OCT 1999		
41. Mozambique	7 OCT 1998		
42. Namibia	30 JUN 2004		

(*) The Netherlands extended the scope of the Madrid Protocol to include the Dutch Antilles. The new situation came into force on 28 April 2003. Although the Dutch Antilles are within the territory of the Netherlands, they have their own trademark law. They can therefore be seen as a separate entity rather than simply as part of the Benelux.

Of course we will keep you up to date with new developments in the future through Question Marks.

Behind the screens at Data Systems



How do we produce high quality databases?

Whatever Compu-Mark undertakes, we never compromise on quality. This also applies to the Data Systems department. Gie Jochems, who heads this department, explains the considerable efforts devoted to ensure the quality of his service.

Data Systems consists of a number of departments, each responsible for their own part of the overall quality assurance. The department has been organised to allow it to respond flexibly to frequently unannounced and urgent changes.

Building quality starts with **data collection**. Everything stands or falls with the timely collection of all trademark information required. *Gie Jochems:* 'As much as possible we try and collect data for the more than 200 sources electronically. Incoming trademark information is inspected thoroughly every day. Where necessary we contact the official PTO's. Possible imperfections are thus corrected immediately.'

Through our extensive network we receive the most reliable information for countries where official trademark publications are not available.

Each source is entered in the 'workflow manager'. This dedicated programme ensures that all quality processes are carried out and completed. For instance, we calculate the opposition date, taking into account weekends, official holidays and the country of origin.

The next two departments ensure that firstly all images and then all text elements are stored in the database.

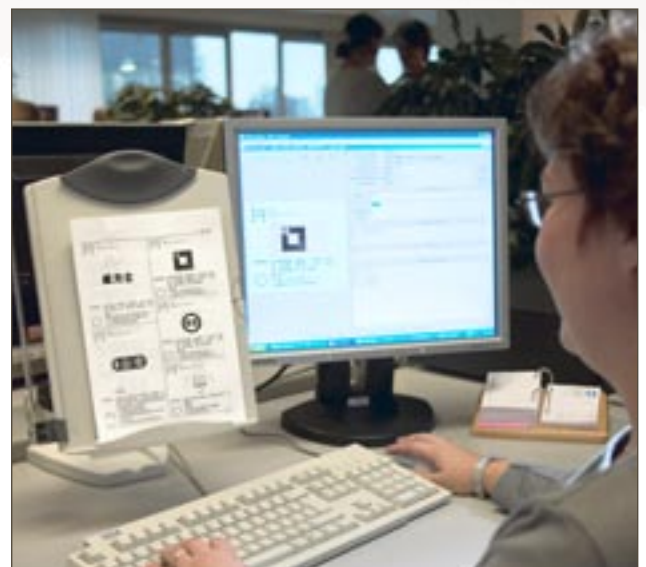
The **Image processing** department ensures that all device marks are stored in the databases, thanks to a unique system developed in-house. They process approximately 8000 images every day, including colour images.

Specialists in the **Word processing** department assign a weak or strong value to every text element in the trademark name. Modern aids, such as a list of the same trademarks in other databases and integrated electronic dictionaries, are a great help. This value determines to a large extent the end result of your searches and watches.

The **Quality control** department finally assures overall quality, and they are the central point of contact for all internal and external enquiries regarding the content and quality of the data processed.

Gie Jochems: 'Thanks to the fully-implemented computerisation and the dedicated software available to the departments, we can process data faster and more accurately than ever. But in the final analysis it is our committed specialist staff who ensure the high quality of our databases.'

Our specialists use specific developed software



Will the long-expected .eu domain soon be opening its doors?

by Tom Heremans

No, the .eu domain is not a holiday park or some kind of royal nature reserve where European citizens will soon be able to take a break. The .eu top level domain is an internet domain that will comprise all internet domain names with the extension “.eu”.

But why do we need a .eu domain? Are there not enough domains and domain names already? It is true that a lot of domains already exist. The best known are the generic top level domains (the so-called gTLDs, such as .com, .org, .net, .info and .biz) and the top-level domains with a country code (the so-called ccTLDs, such as .be, .fr, .nl and .tv). We also have the sponsored top-level domains or sTLDs, like .asia, .jobs, .tel and .mail. The .eu domain will therefore be in good company when it opens its doors in a few months.

It was at the European summit in March 2000 in Lisbon that the Council of Ministers conceived the idea of creating a .eu top-level domain, to counterbalance a mainly American-oriented virtual world. It then took a further two years before the European Parliament and the European Council approved the Regulation on the introduction of the .eu top level domain.¹ It was to be two more years before the European Commission defined the policy guidelines and rules for registration.²

Meanwhile the Commission had looked for a register, a non-profit organisation, who would be able to register and manage .eu domain names for affordable prices. In 2003 the choice fell upon the Belgian non-profit association EURid.³ This brings together the registration authorities of the Belgian .be domain, the Italian .it domain and the Swedish .se domain.

Anyone who wants to register a .eu domain name will not be able to contact the register directly but will have to make use of one of the many 'registrators', intermediaries who fulfil the registration formalities with the register for their

customers. They make a charge for this, which includes the fee that they have to pay the register. It is expected that the total cost of registering a .eu domain name will be around 50 euro per year.

Who will be eligible for a .eu domain name? Since it is intended to establish a link with the European Union, only those who are registered in the EU will be eligible to register. An American company that has a Community trademark, for example, will not be able to claim the corresponding .eu domain name. The company may, of course, ask a European subsidiary or European distributor to register the name.

As in the case of most other domains, the “first come, first served” principle will apply: the first person to request a domain name will have it allocated to him. Since this principle can result in bogus individuals, so-called cybersquatters, registering domain names which are contrary to the rights of third parties, a procedure will be introduced for rapid extrajudicial settlement of disputes.

To avoid abuses, for example, trademark holders will have a priority right for four months to register the corresponding domain names. This is the so-called 'registration in stages'. Only then will the .eu domain be opened to the general public.



Tom Heremans is a partner at legal firm CMS DeBacker in Brussels. You can contact him at tom.heremans@cms.db.com

¹ Regulation EC/733/2002 of 22 April 2002, Publ. E.C., 30 April 2002, L113/1

² Commission Regulation EC/874/2004 dated 28 April 2004 on public policy rules for the registration of domain names in the new .eu top level domain and principles of registration, Publ. E.C., 30 April 2004, L162/40

³ Commission Directive no. 2003/375/EC, Publ. E.C., 24 May 2003, L128/29; see www.eurid.org

INTA 2005 in San Diego: Compu-Mark looks forward to seeing you!



From 14 to 18 May 2005 the 127th INTA Meeting will take place in San Diego, California. Compu-Mark will of course be there, at the world's most important conference for trademark specialists.

We would like to demonstrate our latest product developments at our stand in the exhibition area, which will also be open on Sunday this time. We will also hope to see you at our client reception.

For your agenda

*127th INTA Meeting
14 – 18 May 2005
San Diego Convention Center*

You can visit our stand on:

- Sunday 15 May from 12h30 to 16h00 - **new**
- Monday 16 May from 08h30 to 16h00
- Tuesday 17 May from 08h30 to 14h00
- Wednesday 18 May from 08h30 to 14h00

**Our reception takes place on
Tuesday evening, 17 May 2005**

Order forms 2005

Together with our tariff, our order forms have been updated too. They are very user-friendly and contain all novelties for 2005.

You can find them on www.compu-mark.thomson.com under 'useful downloads'.

Have you already updated our e-mail addresses?



As of 1 March 2005 our old e-mail addresses ending in @compu-mark.com, will no longer be active. Only e-mail addresses ending in @thomson.com will remain operational.

In memoriam: Jan Van Barel

On Thursday, 30 December 2004, Jan Van Barel (59), Vice-President Quality at Compu-Mark, died after a long illness.

Jan was internationally recognised as an expert on trademarks. He helped to create the basis for the first computerised trademark search system and devoted his entire professional life to transforming Compu-Mark into a world leader in the area of computer-assisted trademark searching and watching.

Jan Van Barel started his career in trademarks in 1964, when he joined the trademark consultancy firm J. Gevers & Compagnie in Antwerp, which later became Compu-Mark, as a search analyst. He worked his way up to the position of Director of the entire Trademark Search and Watch Production Department. Jan broadened his outlook to include assignments in other countries: from 1990 to 1999, he worked in Boston (USA), Tokyo (Japan) and Nijmegen (Netherlands). In 2000 Jan returned to Belgium to become Vice-President Quality at Compu-Mark. In this position, his responsibilities included managing our analysts, with whom he shared his extensive experience and passion for trademarks.

We will certainly miss Jan for his enthusiasm, optimism and spontaneity.



Question Marks is the newsletter of Compu-Mark and appears three times per year.

You can also find this newsletter on our website at www.compu-mark.thomson.com

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Would you like to write an article yourself?

If so, contact **Natalie Cauwenberghs**.

Do you have a question about our services?

If so, call our **Customer Support Department**.

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All around the world!

Which domain name takes you to which country? Trace the ten countries correctly and win a pasta serving set!

Domain name	Country
1. .cy	1. _____
2. .jo	2. _____
3. .kw	3. _____
4. .om	4. _____
5. .qa	5. _____
6. .sa	6. _____
7. .tr	7. _____
8. .lk	8. _____
9. .hr	9. _____
10. .dz	10. _____

SOLUTIONS TO THE PREVIOUS QUIZ

If you put the letters in the correct order, you saw the following well-known commercial names:

1. Michelin
2. Peugeot
3. Adidas
4. Nivea
5. Danone
6. Benetton
7. Campbell
8. Caterpillar
9. Mattel
10. Samsonite

The following five readers will soon be able to listen to the world with their world band receiver:

- Mr Jakob Hüttel - Philip & Partners Lawfirm - Denmark
- Mrs Steffi Jann - WTSH - Germany
- Mrs Sue Durrant - William Jones LTD - UK
- Mrs Margot Kalkhofer - Hefel & Hofmann - Austria
- Mrs Helen Loots - Octrooibureau Vriesendorp & Gaade - The Netherlands

> Send your solution by e-mail to **compu-mark.questionmarks@thomson.com** or fax it to **+ 32 3 220 73 90**

Mrs

Mr

NAME: _____

COMPANY: _____

ADDRESS: _____

COUNTRY: _____